



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0309/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Just Cremations</b>
<b>3</b>	<b>Product</b>	<b>Professional Service</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement running only on 6PR and features loving, marital 'banter' between the 'no fuss', 70+ married couple, Jack and Margaret.

The narrative promotes Just Cremations; a "no fuss" funeral service provider in Perth.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*As above*

*In the retell the friend asks the female " what ever happened to that looser you hung around with at school'?*

*She reply's " I married the f...wit"*

*Although the phonetics are blanked out between 'f' and wit, it is obvious and do not feel it has a place in this context.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*Just Cremations is a family owned business selling cremations in the Perth metro area. Our proposition is simple: we sell 'no fuss', stripped back cremations and cremation funeral services, and as such, this advertisement was designed to communicate this in a fresh, engaging and humorous way.*

*The current radio advertisement is the latest instalment in the globally acclaimed 'Jack and Margaret' narrative: a campaign spanning radio, outdoor and internet.*

*The ad referenced in the complaint features 'Jack and Margaret', characters who are representative of our core market. Just Cremation's target market is typically early 'boomers' back to the pre-wars, often from blue collar or pragmatic vocations such as the police or military, and often irreverent and very direct. The fictional characters have been developed and scripted to deliberately reflect the reality of and appeal to this market.*

*Our response to this complaint is very simple: the complaint is factually incorrect.*

*The script and advertisement are attached to demonstrate this. The 'bleep' is not covering "f\*ckwit" as proposed by the complainant; in fact, the 'f-word' is not scripted at all.*

*It is a generic bleep without prescribed profanity and there is no "f" leading into the bleep and the alleged "wit" part is in fact "idiot".*

*In recording the raw material the actor used "blooming" for the read; it could just as easily be "bloody" or other representations of larrikin Australian vernacular as generally permitted under section 2.5 of your Codes.*

*Further, there are no other aspects of Section 2 that this advertisement relates to. It contains nothing discriminatory/does not vilify (2.1); employs no 'sex appeal' of any kind (let alone that which is exploitative or degrading) (2.2), and contains no violence (2.3). Obviously 'nudity' (2.4) and 2.6 ('health and safety') are not relevant. Nor does it target children in any way. Indeed, it is presently only running on 6PR, which according to the latest ratings has a senior skew (with a very small minor audience) as follows:*

*10-17 1.5*

*55-64 12.0*

*65+ 19.0*

*We have more than 20 years' experience in the funeral industry and can advise that any type of funeral advertising tends to generate complaints of some form, or a complete 'shutters down' response.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement contains language that is inappropriate even though it has been 'bleeped' out.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted the advertisement features a conversation between husband and wife as Margaret 'retells a story to her husband 'Jack' about who she saw at the shops. Margaret goes on to say that their friend Bob asked "what happened to that 'BEEP' idiot I was going around with?" The details of the Just Cremations funeral service are then heard.

The Board noted that it had previously dismissed a case for Greener Energy (0016/11) that describes the benefits of Greener Energy as “un-“beeping” – believable”. In this case the Board considered that “the word is spoken by an adult and not a child, there is not an aggressive tone to the word’s use and the intent of the advertiser was to avoid offence ...”

The Board noted that in this advertisement strong language is implied by the need for it to be beeped out, however, the expletive is entirely beeped out and neither the beginning nor the ending of the word is heard. Similar to the case above, the Board considered that the elderly couple are clearly in a long term, loving relationship and that their affection for each other is evident. The Board considered that as Margaret retells the story to her husband she is referring to a term that someone else used and her husband is clearly not offended by the word and there is not an aggressive tone to the word’s use.

The Board noted that the overall tone of the advertisement is light hearted and intended to be a humorous portrayal of a couple that have been together for a long time and based on the above the Board determined that the advertisement did not use strong or obscene language and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.